S.B.CRIMINAL MISC. PETITION NO.509/2007
(Shanker Lal Vs. State of Raj.)

Date of order : : 19.04.2007

HON'BLE MR. KRISHAN KUMAR ACHARYA, J.

Dr.S.S.Jodha, for the petitioner.
Mr.Ashok Upadhyay, PP for the State.

Heard learned counsel for the parties.

By this misc.petition under Section 482 Cr.P.C., the petitioner is challenging the order dated 29.3.2007 passed by learned Judicial magistrate, Rajsamand whereby he has dismissed the application under Section 451, 457 Cr.P.C. filed by the petitioner for releasing Scorpio jeep No. RJ 06 UA 0382.

Learned counsel for the petitioner states that the vehicle in question has not been seized in this case but it was seized by the police under Section 102 Cr.P.C. The petitioner is registered owner of the said vehicle. There is no purpose for the custody of the vehicle. Learned Magistrate has not considered the matter in true perspective and dismissed the application filed by the petitioner.

Learned Public Prosecutor has supported the order passed by learned Magistrate.

I have considered the submissions advanced by learned counsel for the parties and gone through the order of learned Judicial Magistrate. Learned Magistrate has rejected the application on this count that it is theft vehicle which originally belongs to Mohanjeet Singh and the forged number has been obtained thereafter. In my considered opinion, this matter requires further inquiry, therefore, the matter is remanded back to the learned Civil Judge (JD) and Judicial Magistrate, Rajsamand with a direction that he shall first issue notice to Mohanjeet Singh and after hearing the parties, he shall pass the order afresh in accordance with law.

With the aforesaid observations and directions, this misc. petition is disposed of.

(KRISHAN KUMAR ACHARYA), J.

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